

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.
04-10207-LPC

GREATER BOSTON HOTEL EMPLOYEES LOCAL
26 TRUST FUND

Plaintiff

v.

FENWAY CAMBRIDGE MOTOR HOTEL, INC.
d/b/a RADISSON CAMBRIDGE HOTEL

Defendant

MEMORANDUM AND ORDER

January 26, 2005

COHEN, M.J.

The above-entitled case was referred to this court for all proceedings, including trial and entry of judgment, with the consent of the parties and consistent with the provisions of 28 U.S.C. § 636(c) and Rule 4(c)(1) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts.

As indicated in the docket, counsel for plaintiff did appear at the initial Rule 16(b) conference on June 17, 2004. At that conference, this court scheduled a further

conference on December 1, 2004. Counsel for plaintiff failed to appear at that conference. That conference was rescheduled to December 22, 2004, and counsel for plaintiff was left a telephonic message by the Clerk of this court setting for the date and time of that conference. Counsel for plaintiff again failed to appear. At the oral request of counsel for the defendant, who has appeared on each and every occasion, this court entered a default by way of electronic order against the plaintiff under Rule 55(a), F.R. Civ. P. That electronic order was mailed to counsel for plaintiff by certified mail, and the docket indicates that counsel for plaintiff received that order.

Nothing further was filed by counsel for plaintiff. On January 3, 2005, counsel for defendant filed a written motion (# 10) for the entry of a default judgment, and a copy of that motion was served on counsel for the plaintiff. Counsel for the plaintiff has not responded to that motion, although the time for a response has long since expired.

From all that has occurred, it is apparent to this court that nothing, including the entry of a default, duly received by counsel for the plaintiff, will or could bring counsel for the plaintiff to further participate in this case. Accordingly, defendant's Motion for default Judgment (# 10) is allowed, and judgment shall enter for the defendant and against the plaintiff.



UNITED STATES MAGISTRATE JUDGE